No. 116. FOGEL *v.* UNITED STATES. Certiorari, *ante*, p. 811, to the United States Court of Appeals for the Fifth Circuit. *Per Curiam:* Upon consideration of the Government's confession of error and the record, the judgment of the Court of Appeals is reversed and the case is remanded to the District Court with directions to va-

cate its order denying the motion for a new trial and to grant a new trial. *Maury Hughes* for petitioner. *Solicitor General Perlman, Assistant Attorney General Quinn, Robert S. Erdahl* and *Philip R. Monahan* for the United States. Reported below: 167 F. 2d 763.